

TROY LAW, PLLC
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*Attorney for the Plaintiffs, proposed FLSA Collective and
potential Rule 23 Class*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
PARANEE SARIKAPUTAR,
SYSOUVONG, PHOUVIENGSONE,
SUPUNNEE, SUKASAWETT,
VINAI, PATAN, and
SITTIDAJ, WIPPAPORN,
*on their own behalf and on behalf of others similarly
situated*

Plaintiffs,
v.

VERATIP CORP
d/b/a ThaiNY, d/b/a M-Thai,
d/b/a Thai Rice and d/b/a Tom Yum;
J AKIRA LLC
d/b/a ThaiNY, d/b/a M-Thai,
d/b/a Thai Rice and d/b/a Tom Yum;
THAINY RESTAURANT LLC
d/b/a ThaiNY, d/b/a M-Thai,
d/b/a Thai Rice and d/b/a Tom Yum;
NINETY-NINE PLUS CORP
d/b/a ThaiNY, d/b/a M-Thai,
d/b/a Thai Rice and d/b/a Tom Yum;
9999 MIDTOWN CORP
d/b/a ThaiNY, d/b/a M-Thai,
d/b/a Thai Rice and d/b/a Tom Yum;
PERAPONG CHOTIMANENOPHAN
a/k/a Peter Chotimanenophan,
MICHAEL P BRONSTEIN, and
CHARDENPONG OONAPANYO

Defendants.
-----X

Case No. 17-cv-00814

**COURT AUTHORIZED
NOTICE OF 29 U.S.C. § 216(b)
COLLECTIVE ACTION**

**IMPORTANT NOTICE
ADVISING YOU OR YOUR
RIGHTS**

TO: Current and former non-exempt employees employed at any time from February 02, 2014 to the present at:

- M-Thai/ Tom Yum:

- at 232 Eighth Avenue, New York, NY 10011; and
 - at 200 Eighth Avenue, New York, 10011.
- ThaiNY:
 - at 394 Third Avenue, New York, NY 10016;
 - at 1750 2nd Avenue, New York, NY 10128; and
 - at 1718 2nd Avenue, New York, NY 10128.
- Thai Rice:
 - 165 West 23rd Street, New York, NY 10011.

By:

- (1) VERATIP CORP d/b/a ThaiNY, d/b/a M-Thai, d/b/a Thai Rice and d/b/a Tom Yum;
- (2) J AKIRA LLC d/b/a ThaiNY, d/b/a M-Thai, d/b/a Thai Rice and d/b/a Tom Yum;
- (3) THAINY RESTAURANT LLC d/b/a ThaiNY, d/b/a M-Thai, d/b/a Thai Rice and d/b/a Tom Yum;
- (4) NINETY-NINE PLUS CORP d/b/a ThaiNY, d/b/a M-Thai, d/b/a Thai Rice and d/b/a Tom Yum;
- (5) 9999 MIDTOWN CORP d/b/a ThaiNY, d/b/a M-Thai, d/b/a Thai Rice and d/b/a Tom Yum;
- (6) PERAPONG CHOTIMANENOPHAN a/k/a Peter Chotimanenophan,
- (7) SHUE-LEE CHENG LI
- (8) MICHAEL P BRONSTEIN, and
- (9) CHARDENPONG OONAPANYO at the following Thai restaurants:

(hereinafter “Defendants”)

If you worked for Defendants at any time since February 02, 2014, the purpose of this Notice is to advise you of this lawsuit, and to further advise you of certain rights you may have with respect to this action.

Plaintiffs PARANEE SARIKAPUTAR, SYSOUVONG, PHOUVIENGSONE, SUPUNNEE, SUKASAWETT, VINAI, PATAN, and SITTIDAJ, WIPPAPORN worked and/or work for Defendants and have brought this action on behalf of all other current and former employees who have worked for Defendants at any time since February 02, 2014.

The lawsuit seeks monetary damages under the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and New York Labor Law for allegedly owed minimum wages and overtime wages.

THIS NOTICE is meant to advise you of your right to participate in this lawsuit as a claimant and plaintiff under the Fair Labor Standards Act if you worked for Defendants at any time from February 02, 2014 to the present and: (i) were not paid at least the minimum wage and unpaid wage for all hours worked; and (ii) were not paid overtime for all hours worked over 40 hours per workweek.

No determination has been made that you are owed any amount money, and the Court is not endorsing the merits of this lawsuit or advising you to participate in this lawsuit. You are under no obligation to respond to this notice.

Federal law prohibits Defendants from retaliating against you or discriminating against you if you wish to join this lawsuit

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
ASK TO BE INCLUDED	If you wish to be included, you must complete the form at the end of this Notice.
DO NOTHING	By doing nothing, you will not be included in the portion of the lawsuit relating to claims under the Fair Labor Standards Act.

Your options are explained in this notice. To ask to be included in this lawsuit, you must act before [90 days from date notice is sent out.]

01. Why did I get this notice?

You are getting this notice because Defendants' records show that you work or worked for Defendants at some time from February 02, 2014 through the present.

02. What is this lawsuit about?

This lawsuit is about whether the Defendants properly paid its employees in accordance with federal and New York State labor law. In the portion of the lawsuit brought under the Fair Labor Standards Act ("FLSA"), the lawsuit alleges that Defendants (i) failed to pay employees the full minimum wage for all hour worked; (ii) failed to pay overtime for all hours worked over 40.

03. What damages is the lawsuit seeking?

The lawsuit is seeking to recover unpaid minimum wages, overtime pay, prejudgment and post-judgment interest and "liquidated damages," which doubles the amount of wages owed. The lawsuit is also seeking recovery of costs and attorneys' fees.

04. What happens if I join the lawsuit?

If you choose to join this lawsuit, you will be bound by any ruling, settlement or judgment, whether favorable or unfavorable. You will also share in any proceeds from a settlement or a favorable judgment.

By joining this lawsuit, you designate Plaintiffs PARANEE SARIKAPUTAR, SYSOUVONG, PHOUVIENGSONE, SUPUNNEE, SUKASAWETT, VINAI, PATAN, and SITTIDAJ, WIPPAPORN as your representatives, and to the fullest extent possible, you designate Plaintiffs and their counsel to make decisions on your behalf concerning the case, the method and manner of conducting the case, and all other matters pertaining to this lawsuit. Decisions made and agreements entered into by Plaintiffs relating to the lawsuit will be binding on you if you join the lawsuit.

While this lawsuit is pending, as part of the discovery process, you may be asked to provide documents or information relating to your employment with Defendants, which may

include responding to written questions or answering questions in person under oath, either before or at trial. For this reason, if you join the lawsuit, you should preserve all documents relating to the Defendants currently in your possession. You also may be asked to sit for a deposition scheduled at your convenience and/or asked to testify at a trial in the Southern District of New York Courthouse.

05. Can Defendants and/or my current employer retaliate or fire me if I join the lawsuit?

No. It is a violation of Federal law for Defendants to fire, discipline, or in any manner discriminate or retaliate against you for taking part in this case.

06. Can I participate in this lawsuit, even though, due to my immigration status, I did not work or am not working for Defendants legally?

Yes. Your immigration status does not affect your entitlement to recover back wages or to participate in the lawsuit.

07. How do I ask the Court to include me in the case?

Enclosed is a form called the "Plaintiff Consent Form." **If you choose to join the lawsuit, it is extremely important that you read, sign, and promptly return the Plaintiff Consent Form.**

An addressed and postage paid envelope is enclosed for your convenience. Should the enclosed envelope be lost or misplaced, the Plaintiff Consent form must be sent to the following address:

TROY LAW PLLC
41-25 Kissena Boulevard, Suite 119
Flushing, NY 11355

RE: SARIKAPUTAR, et al. v. VERATIP CORP d/b/a ThaiNY, d/b/a M-Thai, d/b/a Thai Rice and d/b/a Tom Yum et al.

The signed Plaintiff Consent Form must be postmarked by (90 days from mailing). If your Plaintiff Consent Form is not postmarked by (90 days from mailing), you may not be able to participate in the federal law portion of this case or share in a monetary damage.

08. Do I have a lawyer in this case?

If you choose to join this lawsuit, you will be represented by Plaintiffs' Counsel: Troy Law, PLLC, 41-25 Kissena Boulevard, Suite 119, Flushing, New York 11355, (718) 762-1324.

09. Should I get my own lawyer?

You do not need to hire your own lawyer because Plaintiffs' Counsel will be working on your behalf. However, you have a right to hire an attorney of your choice to represent you in this matter. If you are represented by other counsel, you will need to confer with them regarding their costs and fees.

10. How will the lawyers be paid?

You will not be required to pay any out of pocket expense for services provided by Plaintiffs' counsel Troy Law, PLLC. If you choose to be represented by Plaintiffs' attorneys, their costs and fees will be paid out of any settlement or money judgment the class receives against Defendants. If there is no settlement or money judgment, Plaintiffs' counsel will not receive any fee. Further information about this Notice, the deadline for joining the lawsuit, the form provided or answers to other questions concerning this lawsuit may be obtained by contacting the Plaintiffs' attorney John Troy, Esq., telephone number (718) 762-1324. Any communication with Troy Law, PLLC is **privileged and confidential** and will not be disclosed to anyone without your permission.

If you select an attorney other than Plaintiffs' counsel to represent you in this action, you may join this lawsuit by submitting an appropriate consent form directly to the Clerk of Court by the deadline indicated herein.

11. What happens if I do nothing at all?

If you choose to not join this lawsuit, you will not be affected by any settlement or judgment rendered in this case, whether favorable or unfavorable.

12. This notice has been authorized by the court.

This notice and its contents have been authorized by Magistrate Judge Aaron Stewart D for the Southern District of New York. The Court has not yet ruled on whether Plaintiffs' claims or Defendants' defenses have any merit.

Please do not write or call the court about this notice.

Although the Court has approved the sending of this Notice, the Court expresses no opinion on the merits of the Lawsuit.

CONSENT TO JOIN LAWSUIT

1. I consent to be a party plaintiff in the lawsuit *SARIKAPUTAR, et al. v. VERATIP CORP d/b/a ThaiNY, d/b/a M-Thai, d/b/a Thai Rice and d/b/a Tom Yum, et al.*, U.S. District Court, Southern District of New York, Civil Action No. 17-cv-00814 in order to seek redress for violations of the Fair Labor Standards Act, pursuant to 29 U.S.C. § 216(b).

2. By signing and returning this consent form, I hereby designate Plaintiffs PARANEE SARIKAPUTAR, SYSOUVONG, PHOUVIENGSONE, SUPUNNEE, SUKASAWETT, VINAI, PATAN, and SITTIDAJ, WIPPAPORN and their counsel Troy Law, PLLC (“the Firm”) to represent me and make decisions on my behalf concerning the litigation and any settlement. I understand that reasonable costs expended on my behalf will be deducted from any settlement or judgment amount on a pro rata basis among all other plaintiffs. I understand that the Firm will petition the Court for reasonable attorneys’ fees and expenses should this case settle or a money judgment is received and will receive a proportion of any such gross settlement or judgment amount. I agree to be bound by any adjudication of this action by a court, whether it is favorable or unfavorable.

Name (printed)

Signature

Date

Street Address

City, State, Zip

Best Telephone Number(s)

Email

Mail to:

**TROY LAW, PLLC,
41-25 KISSENA BOULEVARD, SUITE 119
FLUSHING, NY 11355**

**RE: *SARIKAPUTAR, et al. v. VERATIP CORP d/b/a ThaiNY, d/b/a M-Thai, d/b/a Thai Rice
and d/b/a Tom Yum et al.***